

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William BROEKAERT et al

Serial No. 09/763,076

I.A. Filing Date: August 17, 1999

For: GENETIC METHOD FOR THE EXPRESSION OF
POLYPROTEINS IN PLANTS

Attorney Docket No.: SYN-071 (109.846.205) (formerly P50348)

Examiner: Unassigned

Group Art Unit: Unassigned

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the enclosures referenced herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, *Express Mail Label No. EL384919249US*, under 37 CFR 1.10 in an envelope addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231 on May 14, 2001.


Tina M. Dougal

Box PCT
Commissioner of Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

In response to the Office communication dated April 12, 2001, Applicants enclose copies of the following documents:

1. Response to Notification of Missing Requirement under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US);
2. Executed Declaration for Patent Application;
3. Fee Transmittal;
4. Return Copy of Form PCT/DO/EO/905;

5. Response To Notification To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures By Means Of Resubmission Of Sequence Listing And Related Documents As Filed On February 16, 2001;
6. Statement Under 37 CFR §1.821(f);
7. Written Copy of Sequence Listing Information;
8. Diskette Containing Sequence Listing Information;
9. Return Copy of Form PCT/DO/EO/920;
10. Associate Power of Attorney (37 CFR §1.34);
11. Change of Correspondence Address (Application); and,
12. Return postcard.

The Commissioner is hereby authorized to charge any required fee necessary to maintain the pendency of the subject application or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: May 14, 2001



Robert McIsaac, Ph.D.
Registration No. 46,918
Attorney for Applicants

Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6168 (telephone)
(617) 526-5000 (facsimile)

PTO/PCT Rec'd 14 MAY 2001

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00

Complete if Known

Application Number	09/763,076
Filing Date	August 19, 1999
First Named Inventor	Broekaert et al.
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	SYN-071 (109.846.205)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **08-0219**
- Deposit Account Name **Hale and Dorr LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status. See 37 CFR 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

SUBMITTED BY

Name (Print/Type) Robert McIsaac

Registration No.
(Attorney/Agent)

46,918

Complete (if applicable)

Telephone (617) 526-6168

Signature

Robert McIsaac

Date

May 14, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/763076	BROEKAERT	W PPD 50348/US

SYNGENTA CROP PROTECTION, INC.
2 RIGHTER PARKWAY
P.O. BOX 15458
WILMINGTON, DE 19850 5458

INTERNATIONAL APPLICATION NO.

PCT/GB99/02716

I.A. FILING DATE	PRIORITY DATE
17 AUG 99	18 AUG 98

DATE MAILED:

12 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if applicable. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |

HALE & DORR DOCKETING
Resp to MP

Action Date: 4/12/01

Action to be Taken: 6/12/01
Docketed by: LGM On: 4/202. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

HALE & DORR DOCKETING

RS: Seq Listing 4/12/01

Action Date: 4/12/01

Notice of Defective

APR 20 2001

COLLEEN SUPERKO
IP DEPT.3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- | | |
|--|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. | |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). | |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. | |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. | |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(c)). | |

4. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Paulette Kidwell, Paralegal

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3656

PTO/PCT Rec'd 14 MAY 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William BROEKAERT et al

Serial No. 09/763,076

I.A. Filing Date: August 17, 1999

For: GENETIC METHOD FOR THE EXPRESSION OF
POLYPROTEINS IN PLANTS

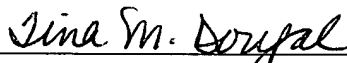
Attorney Docket No.: SYN-071 (109.846.205) (formerly P50348)

Examiner: Unassigned

Group Art Unit: Unassigned

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the enclosures referenced herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, *Express Mail Label No. EL384919249US*, under 37 CFR 1.10 in an envelope addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231 on May 14, 2001.


Tina M. Douglas

Box PCT
Commissioner of Patents
Washington, D.C. 20231

Response To Notification To Notification of Missing Requirement under 35 USC 371 in the
United States Designated/Elected Office (DO/EO/US)

Sir:


In response to the Office communication dated April 12, 2001, Applicants enclose an executed Declaration for Patent Application.

The Commissioner is hereby authorized to charge the fee of \$130 for submission of the Declaration at the 20/30 months from the earliest priority date to Deposit Account No. 08-0219.

In addition, the Commissioner is also authorized to charge any required fee necessary to maintain the pendency of the subject application or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: May 14, 2001


Robert McIsaac, Ph.D.
Registration No. 46,918
Attorney for Applicants

Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6168 (telephone)
(617) 526-5000 (facsimile)

05/17/2001 HNGUYEN 00000043 080219 09763076

01 FC:154 130.00 CH

303X

APPLICATION NO. New Nat'l Phase App DOCKET NO. PPD 50348/UST
BY LDH 528 Rec'd PCT/PTO 18 FEB 2001

APPLICATION OF William Brockeart et al.

ENTITLED Genetic Method for the Suppression of Polyphenols in

^{plants}
The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | |
|---|---|
| <input type="checkbox"/> ABSTRACT _____ Pgs. | <input checked="" type="checkbox"/> FORM PTO-1449 |
| <input type="checkbox"/> SPECIFICATION _____ Pgs. | <input type="checkbox"/> DECLARATION UNDER 37 CFR 1.131 |
| <input type="checkbox"/> CLAIMS _____ Pgs. | <input type="checkbox"/> DECLARATION UNDER 37 CFR 1.132 |
| <input type="checkbox"/> DRAWINGS _____ SHEET(S) | <input checked="" type="checkbox"/> <u>Reqs (11) cited on Form PTO-1449</u> |
| <input type="checkbox"/> DECLARATION FOR PATENT APPLICATION | <input checked="" type="checkbox"/> <u>Second Preliminary Amendment</u> |
| <input type="checkbox"/> ASSOCIATE POWER OF ATTORNEY | <input checked="" type="checkbox"/> <u>Paper Copy of Sequence Listing</u> |
| <input checked="" type="checkbox"/> PRELIMINARY AMENDMENT | <input type="checkbox"/> ISSUE FEE TRANS. (PTOL-85B) (IN DUP) |
| <input type="checkbox"/> PRIORITY DOCUMENT (NO. _____) | <input type="checkbox"/> CERTIF. OF MAILING 37 CFR 1.8(a) |
| <input type="checkbox"/> ASSIGN. W/REC. FORM COV. SH. (IN DUP.) | <input checked="" type="checkbox"/> CERTIF. OF EXPRESS MAIL 37 CFR 1.10 |
| <input type="checkbox"/> COVER LETTER (IN DUPLICATE) | LABEL NO. <u>EH38630366745</u> |
| <input checked="" type="checkbox"/> INFORMATION DISCLOSURE STATEMENT | <input checked="" type="checkbox"/> <u>Computer Disk Containing Seq. Listing</u> |
| <input checked="" type="checkbox"/> PATENT APPLICATION TRANSMITTAL (IN DUP.)
(Transmittal Letter to Docket U.S.) | <input checked="" type="checkbox"/> <u>Statement to Support Filing and Sub-D-</u>
<u>mission in Accord with 37 CFR 1.821-1.825</u> |

weirid *llc*